

1 The Honorable Ricardo S. Martinez
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 ANNE BLOCK, an individual

10 Plaintiff,

11 vs.

12 WASHINGTON STATE BAR
13 ASSOCIATION, et al.,

14 Defendants.

NO. 15-CV-2018 RSM

SNOHOMISH COUNTY DEFENDANTS'
RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION TO SET ASIDE
FINAL DECISION

15 **A. Plaintiff's Motion to Set Aside the Vexatious Litigant
16 Order Is Meritless.**

17 Anne Block's febrile imagination has conjured up yet another conspiratorial rabbit hole
18 for our consideration. This time she asks the court to set aside the vexatious litigant order
19 entered against her on December 13, 2019. Ms. Block bases her motion on her allegation that
20 on January 14, 2020, 30 days after the order was entered, the Honorable Ricardo Martinez
21 called Snohomish County Deputy Prosecuting Attorney Joseph Genster and engaged in an
22 improper *ex parte* communication. She requests that "Judge Ricardo Martinez and Joseph
23 Guenster [sic] put on the record the substance of their ex parte conversation." Dkt. 239 at 1.
24 There is no substance to put on the record because there was no conversation between Judge
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1 Martinez and DPA Genster on January 14, 2020 or any other time. *See* Declaration of Joseph
 2 B. Genster dated September 17, 2020. *Id* at ¶ 2.

3 DPA Genster has never had any *ex parte* communication with Judge Martinez
 4 concerning Ms. Block. He cannot recall ever meeting Judge Martinez in either a professional or
 5 social capacity. *Id.* DPA Genster did receive a call from a woman at the USDC for the Western
 6 District of Washington concerning a request to obtain a transcript from a summary judgment
 7 hearing in a case in which Ms. Block was not a party. The call did not involve Ms. Block. *Id* at
 8 ¶ 3.

9 The call DPA Genster received on January 14, 2020 was from 206-370-8999. Ms.
 10 Block claims that is Judge Martinez's number because a website she visited indicates Judge
 11 Martinez is a "Possible owner" of that phone number. Ms. Block's reliance on the website is
 12 misplaced as the website for the USDC for the Western District of Washington provides three
 13 phone numbers for Judge Martinez and his staff: 206-370-8880, 206-370-8521, and 206-370-
 14 8456. Ms. Block apparently never thought to look at the court's website. In sum, Ms. Block's
 15 motion to set aside the vexatious litigant order is meritless and should be denied.
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19 **B. The Motion to Disqualify Judge Martinez Should be**
 20 **Denied.**

21 Ms. Block's two previous motions to disqualify Judge Martinez were denied, as was her
 22 motion to disqualify Judge Leighton. Her third attempt to disqualify Judge Martinez is based on
 23 the false claim that he participated in *ex parte* communications with DPA Genster. Ms. Block
 24 has once again failed to provide any basis for disqualification, and accordingly, the motion to
 25 disqualify should be denied.

DATED this 17th day of September, 2020.

ADAM CORNELL
Snohomish County Prosecuting Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all registered parties.

DATED this 17th day of September, 2020 at Everett, Washington.

/s/ *Teresa Kranz*
Teresa Kranz, Legal Assistant